

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 053451
Application No. 10/560,033

REMARKS

Claims 1 and 3-14 are pending in the present application. Claims 1, 7, 11 and 12 are herein amended. No new matter has been presented.

Information Disclosure Statement

The Office Action acknowledges that the references listed in the Information Disclosure Statement (“IDS”) filed June 26, 2008 should have been considered. (Office Action, page 10.) However, the Office Action did not include the signed form PTO/SB/08 indicating that the references submitted with the IDS of June 26, 2008 were considered. Applicants request a copy of the signed form PTO/SB/08 from the IDS of June 26, 2008 indicating that all of the references have been considered.

Double Patenting Rejection

Claims 1 and 7 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 11/596,678 in view of **Ikeda** (US 6,214,476).

Applicants will address this provisional rejection once all other rejections have been withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 4-10 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** (US 2002/0155277) in view of **Arjunan** (WO 98/44043) and **Ikeda** (US 6,214,476); claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and in further view of **Tanaka** (US 5,695,838); and claims 11, 12 and 14 were rejected

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under 35 U.S.C. §103(a) as being unpatentable over **Ishige** in view of **Arjunan** and **Ikeda** and in further view of **Hoffman** (US 4,416,714).

Favorable reconsideration is requested.

Claims 1, 7, 11 and 12 have been amended to recite that the heat-shrinkable film has a haze value of 2.89 or below. Support for the amendment is in the specification at, e.g., page 25, Table 1. The method for measuring the haze value is in the specification at page 21, lines 2-5.

The film according to the present invention is used as a heat-shrinkable label that is applied to PET bottles, etc. Therefore, the film is required to be transparent. (See specification, page 1, lines 5-17.) With reference to Table 1 at page 25 of the specification, the film with the haze value of 3.30 as Listed in Comparative Example 1 is unsatisfactory. Meanwhile, the films with a haze value of 2.89 or below as listed in Examples 1, 2 and 3 are satisfactory.

Applicants respectfully submit that the combination of references does not teach or suggest “the multi-layered heat-shrinkable film has a haze value (measured in accordance with JIS K 7105) of 2.89 or below” as recited in amended claims 1 and 7, and similarly recited in claims 11 and 12, and that this feature would not have been obvious.

The primary reference Ishige discloses the purpose of obtaining a film having excellent printability. (Abstract.) It is required that such a film should be opaque. As described in paragraph 59 of Ishige, the film has an opacity of 70% or above, which was measured in compliance with JIS P-8138. The measured value increases with increased opacity.

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In contrast, the present invention as recited in the claims provides a film having a haze value of 2.89 or below, which was measured in accordance with JIS K 7105. The measured value decreases with increased transparency. The object of the present invention is quite different from that of Ishige. While the present invention intends to make a film more transparent, Ishige intends to make a film more opaque. They are the exact opposite.

Arjunan, Ikeda, Tanaka and Hoffman also do not disclose that “the haze value (measured in accordance with JIS K 7105) is 2.89 or below.”

For at least the foregoing reasons, claims 1 and 3-14 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1 and 3-14 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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